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Updated May 4, 1998

U.S. v. Kaczynski: Sentencing

1 SACRAMENTO, CALIFORNIA

2 MONDAY, MAY 4TH, 1998 - 9:05

3 A.M.

4 ---o0o---

5 THE CLERK: You may remain seated.

6 Court is again in

7 session.

8 THE CLERK: Calling Criminal Case S-

9 96-259,

10 United States versus Theodore Kaczynski.

11 THE COURT: Please, state your

12 appearance for the

13 record.

14 MR. CLEARY: For the Government,

15 Robert Cleary, Steven

16 Lapham, Steven Freccero, Douglas Wilson,

17 Bernard Hubley. And

18 Mr. Freccero will be speaking on behalf

19 of the government

20 today.

21 THE COURT: Thank you.

22 MS. CLARKE: Judy Clarke and Quin

23 Denvir with

24 Mr. Kaczynski. He's present in court,

25 Your Honor.

26 THE COURT: Thank you.

27 This is the time set for

28 pronouncement of judgment and

29 sentence. Is there any reason why we

30 should not proceed with

31 sentencing?

32 MR. DENVIR: No, Your Honor.

33 MR. FRECCERO: No, Your Honor.

34 THE COURT: On January 22nd, 1998,

35 defendant pled guilty

36 to the crimes alleged in the Sacramento

37 and New Jersey

38 indictments. The matter was referred to

39 the United States

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42 2

43 Probation Office for a presentence

44 evaluation and report.

45 I have read and considered the

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Wanted: Final Justice

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6:30pm and 9pm ET/PT

Fridays 9-10pm ET/PT

Profiler

Weekdays 7pm ET/PT

Tonight: Ring of Fire

COPS

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Monday-Thursday

9:30pm ET/PT

Tonight: Missing in Time

Mugshots

Mondays 10pm ET/PT

Tonight: Sante & Kenneth

Kimes

The System

Tuesday - Friday

Presentence Report, the

3 updated information for the report on
restitution, which

4 probation provided to the parties on April
20, 1998, and the

5 government's sentencing memorandum filed
April 28, 1998.

6 Counsel, have each of you received
and read a copy of

7 the Presentence Report and had an
opportunity to discuss it

8 with your prospective clients in detail?

9 MR. FRECCERO: On behalf of the
government, we have,

10 Your Honor.

11 MR. DENVIR: Yes, Your Honor.

12 THE COURT: Mr. Kaczynski, have you
received and read a

13 copy of the Presentence Report and
discussed it with your

14 attorney in detail?

15 THE DEFENDANT: Yes, I have.

16 THE COURT: Okay. Counsel, are
there any objections to

17 any of the statements of material fact,
sentencing

18 classifications, sentencing guideline
ranges or policy

19 statements contained in or omitted from
the Presentence

20 Report?

21 MR. FRECCERO: None from the
government, Your Honor.

22 MR. DENVIR: No, Your Honor.

23 THE COURT: Since there are no
objections, I adopt the

24 findings of the Presentence Report and
determine them to be

25 true and correct. Therefore, the
applicable Offense Level is

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1 45, the Criminal History Category is I,
and the Guideline

2 Determinations are a term of Life in
Prison, plus a 30 year

3 consecutive prison sentence to that life
term, plus three

4 additional life prison terms that must be
served consecutively

5 with all other sentences and with each
other.

6 I will comply with Rule 32 of the
Federal Rules of

7 Criminal Procedure even though the
sentence in this case is

8 mandatory.

9 Rule 32 requires me to afford

10pm ET/PT

Homicide

Weekdays 11pm ET/PT

Tonight: Something

Sacred, Part 1

Inside Cell Block F

Weekdays 1:30am ET/PT

defendant's counsel an

10 opportunity to speak on the defendant's
behalf prior to

11 imposition of sentence, to address the
defendant personally

12 and determine whether the defendant
wishes to make a statement

13 and to present any information in
mitigation of the sentence,

14 to afford the attorney for the government
the opportunity to

15 speak to the court, and to address the
victims personally, if

16 the victims are present at the sentencing
hearing, to

17 determine if any of them wish to make a
statement or present

18 any information in relation to the
sentence.

19 As revealed in United States versus
Smith, 893 F. Supp.

20 187, 188, (Eastern District of New York
1995), this process is

21 designed to help the court gauge the
effects of the

22 defendant's crimes on the victims and may
also act as a

23 catharsis facilitating quicker
dissipation of bitterness over

24 the injury or loss suffered by the
victim.

25 Probation informed me earlier this
morning that the

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1 victims wishing to speak will be
introduced by the

2 prosecution, and that they desire to make
statements from the

3 prosecutor's counsel table.

4 Is that correct, sir?

5 MR. FRECCERO: Yes, Your Honor.
Some may wish to do it

6 from the podium. There are some who wish
to sit at the

7 prosecutor's table, if that's acceptable
to the Court.

8 THE COURT: They have three choices;
the two mentioned,

9 and they can also take the witness stand
if that is their

10 desire.

11 Does counsel for defendant wish to
speak on defendant's

12 behalf before I pronounce sentence?

13 MS. CLARKE: No, Your Honor.

14 THE COURT: Does the defendant wish
to make a statement

15 before I pronounce sentence?

16 THE DEFENDANT: Yes, Your Honor.
17 Your Honor, may I come to the
podium?
18 THE COURT: You may.
19 THE DEFENDANT: My statement will
be very brief.
20 A few days ago the government filed
a sentencing
21 memorandum, the purpose of which was
clearly political. By
22 discrediting me personally, they hope to
discredit the ideas
23 expressed by the Unabomber. In reality,
the government has
24 discredited itself. The sentencing
memorandum contains false
25 statements, distorted statements and
statements that mislead

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1 by omitting important facts.
2 At a later time I expect to respond
at length to the
3 sentencing memorandum and also the many
other falsehoods that
4 have been propagated about me.
5 Meanwhile, I only ask that people
reserve their judgment
6 about me and about the Unabom case until
all the facts have
7 been made public.
8 THE COURT: Let the record reflect
Mr. Kaczynski has
9 finished making his statement and returned
to counsel table.
10 Does the government wish to make a
statement before I
11 pronounce sentence?
12 MR. FRECCERO: Your Honor, the
United States stands by
13 the statements it made in its sentencing
memorandum, and we
14 would submit it based on that.
15 THE COURT: Any victim wishing to
make a statement or to
16 present any information in relation to
sentence may come
17 forward through the prosecution following
the procedure I
18 explained earlier.
19 MR. FRECCERO: Your Honor, Susan
Mosser, the wife of
20 Thomas Mosser who was murdered in
December of 1994.
21 THE COURT: Miss Mosser, can you
pull the microphone --
22 Maybe counsel can help her pull the
microphone closer to her.

23 When you are ready, you may make
whatever statement you
24 want, ma'am.
25 MRS. SUSAN MOSSER: Can I put it on
this side because my

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6

1 pages will be turning that way.
2 Nails. Razor blades. Wire. Pipe.
Batteries.
3 Everyday household items. Pack them
together, explode them
4 with the force of a bullet from a rifle,
and you have a bomb.
5 Hold it in your hand while it is
exploding, as my husband Tom
6 did, and you have unbearable pain.
7 Not the unbearable pain the defense
lamented Kaczynski
8 would feel should he be portrayed as
mentally ill, Your Honor,
9 but the excruciating pain of a hundred
nails, cut up razor
10 blades and metal fragments perforating
your heart, shearing
11 off your fingers, burning your skin,
fracturing your skull,
12 and driving shrapnel into your brain.
13 December 10th, 1994, was the day my
husband felt
14 unbearable pain. It was supposed to be
the day my family
15 picked out a Christmas tree. The day we
celebrated Tom's
16 latest promotion. Instead it was the day
my husband was
17 murdered, the day I had to tell the
children "Daddy, is dead."
18 It was unbearable pain for me to say it,
and it was unbearable
19 pain for them to hear it. Their ages
were 21, 19, 13 and
20 15-months-old.
21 December 10th was a Saturday, but
the story begins with
22 the day before when a package was
delivered to our home. It
23 was addressed to my husband. I put it
with the other mail on
24 the table in the foyer.
25 Tom was due back from a week-long
business trip later

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7

1 that day. He came back tired, but he was

happy to be home

2 with us. That evening, my daughter Kim,
13-years-old, had

3 some friends over. They laughed and
played around the piano

4 just feet from a bomb disguised as a
package.

5 They left, and we went to bed. One
of Kim's friends

6 stayed over. The next morning the baby
and I were the first

7 ones up. Tom got up and had breakfast.
He read books to

8 Kelly and played in her toy castle. Our
plan that day was to

9 go buy a Christmas tree.

10 Still in his bathrobe, Tom went to
the foyer, looked at

11 the mail, and brought one of the packages
back in the kitchen

12 where Kelly and I were standing. He put
it on the counter,

13 and as he reached for a knife to open it,
Kelly, just on a

14 whim, bolted out of the room. I followed
unsure where she was

15 headed. I helped her down the step into
the living room. She

16 wanted to have a tea party.

17 As we started having it, a
thunderous noise resounded

18 throughout the house. It had originated
in the kitchen.

19 Stunned, I scooped Kelly up and put her
near the front door.

20 A white mist was pouring from the kitchen
doorway. I raced

21 through it to find out what happened.

22 The dust settled slowly revealing
the kitchen counter,

23 but Tom wasn't standing there. When the
mist settled to the

24 floor, a horrifying image emerged. My
husband's body, face up

25 on the floor, his stomach slashed open,
his face was partially

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8

1 blacked and distorted. Blood. Horror.
There was no time to

2 take it all in. I knew he needed help.

3 Fearing the kids would come into the
kitchen, I yelled

4 for them to get out of the house. I
dialed 911 and screamed

5 "I need an ambulance." I headed over to
Tom, grabbing some

6 towels and the baby's blanket she'd
dropped on the floor

7 earlier in the morning.

8 I knelt down. He was moaning very
softly. I wasn't

9 sure what I could touch or where I could
touch. The fingers

10 on his right hand were dangling just by
skin. They had been

11 cut through the bone.

12 I did what I could, and I held his
left hand. I told

13 him help is coming, that he would be
okay, and that I loved

14 him.

15 Within two minutes the police
arrived. One went to Tom,

16 the other asked me what happened. I
started telling him, but

17 became hysterical, my mouth saying, "Oh,
my God. Oh, my God.

18 Oh, my God. Oh, my God." As I looked at
Tom, my brain was

19 telling me to shut up, but I couldn't.
The officer told me to

20 get a grip on myself, and that was the
slap in my face I

21 needed. I could function again.

22 Thinking we would be going to the
hospital, I finally

23 dialed for someone to stay with the kids.
That done, I headed

24 back for Tom. I was told I had to get
out of the house on my

25 way over to see him, but I wanted to stay
with him.

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9

1 Paramedics were working on him. I
didn't want to be in

2 their way, but I wanted Tom to know I was
there. I knelt down

3 next to him remembering something about a
pulse point behind

4 the knee. I felt for it behind his left
leg. There was a

5 pounding sensation. I realized it was my
own heart.

6 A fireman said he smelled gas then,
and again asked me

7 out of the house -- ordered me out of the
house. I stood up

8 from where I was next to Tom and smelled
it too. Out the

9 window I could see firemen on alert, hoses
pointed at the

10 kitchen, ready to douse it should it
blow.

11 I knew then that I had no choice.
I had to leave. If

12 the kitchen exploded, my children would
have no one, no

13 father, no mother. But first I needed a
few things for the
14 baby. I grabbed the diaper bag, some
formula, and headed for
15 the cabinet where the baby bottles were.
The force of the
16 bomb had blown the bottles out of the
cabinet. They were on
17 the floor in a pile of glass and debris.
I left them there.
18 The bottles themselves were plastic
so they weren't
19 broken, but I figured I might have time
to tell someone to
20 wash them out before they gave the bottle
to Kelly.
21 In the street there was organized
chaos. Fire trucks,
22 cars, ambulances everywhere. Fire hoses
crisscrossed my lawn
23 and driveway. People were scurrying
every which way. I was
24 told a medivac chopper was on its way.
It would land at the
25 baseball field and take Tom to a trauma
center. I was so

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10

1 relieved. There was hope.
2 But moments later it seemed like
someone had pulled a
3 plug out of the whole thing. Everything
came to a screeching
4 halt. It just didn't feel right. My eyes
went to the front
5 door of my house. "Bring him out," I was
yelling inside me.
6 The door opened, but a stretcher didn't
come out. A fireman
7 came out. He walked in slow motion down
the steps and to the
8 driveway. He was not anxious to get to
his destination, Your
9 Honor. I realized his destination was me.
10 Before he had a chance to say it, I
did. "He's dead,
11 isn't he," I said. The fireman shook his
head yes. "I'm
12 sorry," he said. "He didn't make it."
13 I went totally ballistic. All
these hands were coming
14 at me. I just wanted to run. They
calmed me down, and I knew
15 then I had to extend this unbearable pain
to my children.
16 They were safely inside my
neighbor's house and they
17 knew very little about what was going on.
Kim had been told

18 that Tom had cut his hand. She called
her older sister Abbey
19 to let her know, and told her that Tom
and I were going to the
20 hospital.
21 Abbey, concerned that Kim and Kelly
might be frightened,
22 came over. She had to walk down our
barricaded street on
23 foot. Abbey was not at all prepared for
what she would see.
24 When I saw her, I went over and
pulled her into the car
25 they put me in. "Daddy's dead," I said.
"It was a bomb. I'm

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11

1 so sorry honey." "No. No. No. Not my
daddy," she cried as
2 I held her in my arms and we cried
together.
3 After absorbing the shock, her first
words were concern
4 for Kim. And I told her that Kim didn't
know yet. I wanted
5 to give the youngest ones a few more
minutes of peace before I
6 changed their lives forever.
7 Someone said that Kim was starting
to ask questions. I
8 knew my time had run out. We headed for
the neighbor's door.
9 Someone opened it for us. Inside I could
hear the sounds of
10 my children playing and laughing. How
can I do this to them,
11 I thought, destroy their world. Nothing
will ever be the
12 same.
13 The minute we walked in, Kim knew
something was wrong.
14 The priest, the fireman, Abbey, me. We
told her Tom had been
15 hurt. "Fix him," she yelled. I told her
he couldn't be
16 fixed. It was a bomb. He was dead.
17 She screamed and cried and flailed
around and then
18 dropped on the floor. I went down with
her, Kelly in my other
19 arm. I held them both, my brokenhearted
children. They were
20 inconsolable. Kelly didn't understand
what I was saying what
21 had happened, but she knew whatever it
was, it was terrible.
22 Kim started to hyperventilate. We
got her up. Kelly
23 was screaming so loudly I had to take her
out of the room.

24 There was no calming her down. Her
blanket might have helped,

25 but that was back in the house soaked
with Tom's blood.

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12

1 My stepson, Timmy, learned of the
news of his father

2 over the phone. He had a five hour drive.
A friend drove him

3 home, and Timmy cried the whole way.

4 The afternoon was spent answering
questions, explaining

5 what happened, describing the package,
describing Tom,

6 getting phone numbers.

7 We thought it was a corporate
conspiracy at first.

8 Teams of experts flew up from Washington
to review the

9 evidence. FBI, ATF, local law
enforcement. The bomb squad

10 searched ever inch of my home for more
bombs and found a

11 package which upon x-ray looked
suspicious. They warned me

12 that they would have to detonate it.
When they did, it lifted

13 me right off the ground.

14 We spent the early morning hours
waiting for the

15 evidence to be collected. They named the
murderer. It was

16 the Unabomber.

17 I was anxious for Tom to have last
rights. At 5:00 a.m.

18 on Sunday we were finally able to get
back into our house with

19 a priest. Tom was in a body bag on a
gurney near the piano.

20 We were allowed into the foyer. We said
the prayers, touched

21 the bag and like zombies headed back to
our neighbor's house.

22 When we got back to the house, I
sat in the kitchen, my

23 head on the table. My sister said I let
a wail out of my body

24 that sounded like it came from my soul.
I started to cry and

25 I don't know when I stopped.

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13

1 It was the worst day of my life,
Your Honor. Not only

2 the beginning of this nightmare that is
the Unabomber. My

3 children are bleeding from their souls.
Sometimes it's only a

4 pin prick, sometimes it's a hemorrhage.
To lose your father

5 this way is unfathomable. And even after
three and a half

6 years we are still processing the horror.
If it is processed

7 all at once, you would go jump off a
bridge.

8 Every holiday has pain. Every
Father's Day, every

9 birthday, every graduation, every reward,
every everything.

10 We try to be strong, but every time
Kaczynski perpetrates some

11 new evil, it's another stab in our souls.

12 My children began their life
sentence without their

13 father three and a half years ago. For
the baby, it's a 70

14 year sentence. For Abbey, Tim and Kim,
maybe 50 years.

15 Kaczynski will do less than that.

16 He has ravished my children, but
will suffer less for

17 it. For while the past is troubling me,
the future troubles

18 me too, Your Honor. Even in a jail, a
serial killer wants to

19 kill. And Kaczynski will use his
manipulating mind to try and

20 figure out how, if he hasn't already done
that.

21 He is diabolical, evil, cunning. A
murderer. He has no

22 cause except his own, and that is to kill
anyone.

23 Please, Your Honor, make this
sentence bullet proof,

24 bomb proof, if you will. Don't let
Kaczynski murder justice

25 the way he has murdered others. Please
keep this creature out

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14

1 of society forever, in every possible way.
Make this sentence

2 as permanent for him as he has made our
sentences permanent.

3 His so-called causes are a
smokescreen for his only

4 objective, to kill anything that is alive.
Lock him so far

5 down that when he does die, he'll be
closer to hell. That's

6 where the devil belongs.

7 Just one more thing, Your Honor,
that I would like to
8 say and that is this:
9 God, thank you for letting us see
this day. It is
10 hopefully the beginning of the end.
Bless everyone who has
11 worked on this case. Bless everyone who
has ever been touched
12 by this case. Bless everyone who has
ever prayed for any of
13 us. But most of all, God, bless our
children, keep their
14 world safe from people like this.
15 Thank you, Your Honor.
16 THE COURT: You're welcome.
17 MR. FRECCERO: Your Honor, Dr. Lois
Epstein, the wife of
18 Dr. Charles Epstein, who was injured in
June of 1993.
19 MRS. LOIS EPSTEIN: I have thought
long and hard about
20 what I should say to you, Ted Kaczynski,
as you are the person
21 who sent a bomb to my home in an attempt
to murder Dr. Charles
22 Epstein, a gentle and brilliant man, a
man who has never done
23 you a moment of harm, but has done the
world a lot of good. A
24 man who has been my husband for the past
42 years and the
25 father of our four children and the
grandfather of our three

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15

1 children.
2 I speak to you today as his wife, as
a mother, and a
3 grandmother. I am also a Harvard
University educated
4 physician's scientist. And as such, have
spent decades of my
5 life doing experiments in my cancer
research laboratory and
6 hours of my life taking care of children
who are ill in a
7 clinic setting.
8 Let me remind you that the
construction of the bomb you
9 sent to my husband was described in your
notebooks of horror
10 and terror as Experiment Number 225. Let
me remind you that
11 in your callous, contemptuous, quasi-
scientific method you
12 described the results of that experiment
as "adequate but no
13 more than adequate."

14 I am so incredibly thankful that
because of my husband's
15 resilience, determination and courage,
and because of the
16 support and love of our family, and
literally thousands of
17 friends, colleagues and even strangers,
that he has recovered
18 from the physical effects of your bomb.
19 I am also incredibly grateful that
our, as then
20 18-year-old daughter, who brought the
package with the bomb
21 into our home, decided not to open it,
left the house, and so
22 never saw what happened to her father
when the bomb actually
23 exploded in his hands.
24 My thoughts result not only from
the difficult
25 experiences which my husband, our family,
and I endured during

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16

1 his long recovery, but also from the
profound impact on us of
2 the tragedies endured by the other victims
of your crimes and
3 their families.
4 That you have been sentenced to life
imprisonment
5 without the possibility of appeal or
parole is, in my opinion,
6 almost too kind a sentence for a man who
has been successful
7 in murdering three human beings and
seriously injuring an
8 additional 22.
9 The Bible speaks in Leviticus 24 of
an eye for an eye
10 and a tooth for a tooth. Our tradition
of Judaism rejects the
11 literal meaning of these words in favor
of a more metaphoric
12 interpretation. Thus, to me this concept
of justice, when
13 thought about in a symbolic way, seems to
be very appropriate
14 for you.
15 Therefore, as you serve out your
life imprisonment and
16 your life sentence in prison, I wish the
following for you in
17 the hope that you eventually truly
understand the seriousness
18 and consequences of your crimes and how
your victims and their
19 families have suffered.

20 Given that your victims were
blinded by your bombs, may
21 your eyes be blinded by being deprived of
the light of the
22 moon, the stars, the sun and the beauty
of nature for the rest
23 of your life;
24 Given that your victims lost their
hearing because of
25 your bombs, may your ears become deaf as
your eardrums implode

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17

1 from the stony silence of your
surroundings for the rest of
2 your life;
3 Given that your victims were maimed
by your bombs, may
4 your fingers, your hands, your arms, your
legs and your body
5 be shattered by the violence and hatred
you wrought against
6 others, the violence and hatred which have
already mangled and
7 distorted your mind;
8 Given that your victims were killed
by your bombs, may
9 your own eventual death occur as you have
lived, in a solitary
10 manner, without compassion or love.
11 MR. FRECCERO: Your Honor, I would
introduce to the
12 Court Dr. Charles Epstein.
13 DR. CHARLES EPSTEIN: As far as I
know, I am the only
14 person in modern times who was targeted
for death just for
15 being a geneticist. It's nearly five
years since you,
16 Theodore Kaczynski, attempted to kill me
because I am,
17 according to one of your letters, a
genetic engineer.
18 I do not know what your
understanding of the term
19 "genetic engineering" is, but I
personally think that I might
20 better be described as a physician and
scientist who has spent
21 his whole professional life trying to
help patients and
22 families who are confronted with a host
of difficult, often
23 tragic problems and choices.
24 True, my tools are genetic ones,
but while they're used
25 in the service of people who need help
should mark me for

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18

1 death is beyond my understanding. Perhaps
it was not so much

2 for what I did myself, but for what you
thought I stood for.

3 The use of science, genetics in my case,
to try to improve the

4 lot of mankind.

5 Well, I must admit that is exactly
what I stand for. In

6 your distorted view of history and the
world, if we are to

7 believe any of what you wrote in your
manifesto, the use of

8 science to improve the human condition is
merely a deception

9 aimed at ultimately enslaving and
controlling society.

10 Rather, it would appear that you would
prefer mankind to exist

11 in some blissful state devoid of science
and technology.

12 Well, I can tell you there is
nothing blissful about the

13 things I deal with on a day-to-day basis;
birth defects,

14 mental retardation, degenerative brain
disease and so much

15 more.

16 What right then do you have hiding
in your shack in a

17 forest to try to prevent me and my kind
from trying to relieve

18 the suffering of those who are afflicted
by attempting to kill

19 me and to intimidate the others?

20 No right at all. You have no right
at all.

21 And even had you succeeded in
killing me, it would not

22 have advanced your cause one iota, your
political agenda. To

23 the extent that you really were trying to
make some sort of

24 statement about the potential problems
engendered by science

25 and technology, your murderous approach
doomed you to failure,

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1 and fail you did. And no matter how much
you sit in prison

2 and write, fail you will.

3 Greek tragedies are characterized by
hubris and nemesis.

4 We both learned this at Harvard, I'm sure.
Hubris, sometimes

5 defined as an overweening pride, you have
plenty enough of

6 that, and assuredly your nemesis has come.
But there is no

7 Greek tragedy at work here because the
tragic figure was

8 always someone with nobility of character.
And that is what

9 made his ultimate fall tragic.

10 Both your words and actions have
shown us that this is

11 not what is at work in your case. But
there has been tragedy

12 enough associated with your actions, real
life tragedy

13 involving families who do -- who do
possess the nobility of

14 character that you lack. Tragedy visited
upon them for no

15 fault of their own. Wives whose husbands
were murdered,

16 children who lost their fathers,
relatives and friends who

17 lost their loved ones. These are
tragedies that will last a

18 lifetime.

19 And for those who have survived
your murderous attempts,

20 there has been, to be sure, pain and
disfigurement, but that

21 is really the least of it. There is the
knowledge of the

22 terrible effects that your actions have
had upon their wives

23 and children and friends and loved ones.
There is the fearful

24 knowledge that you are so indiscriminate
and callous in how

25 you attempted to kill them, that you did
not care whom you

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1 placed at risk.

2 On most any other evening than June
22nd, 1993, my

3 daughter, who brought in your bomb from
the mailbox, and my

4 wife, would have been standing next to me
as I opened my

5 mail.

6 Your defense lawyers would have us
believe that you did

7 not really know what you were doing, or if
you did, that you

8 couldn't stop yourself from doing it.

9 Having sat in this courtroom during
the several sessions

10 in which you very nicely managed to throw
the proceedings into

11 an uproar, and having read and heard, as
we all, what you

12 wrote with your own hand, I reject the
notion that your mental

13 state, whatever label's put on it,
somehow justifies or

14 excuses or even explains what you did.

15 In fact, I feel that such an
assertion does an enormous

16 disservice to the thousands of people
with psychiatric

17 illnesses who manage to conform to the
norms of society.

18 However, the repeated assertion of
mental illness did

19 have one effect which has a severe impact
on those whom you

20 attacked and on their families. By some
convoluted form of

21 logic, you were portrayed as the victim,
the victim of a

22 system of justice thirsting for your
blood, of prosecutors who

23 would see a deranged man put to death.

24 What a message. Theodore Kaczynski
the victim.

25 And what of Gil Murray and Hugh
Scrutton and Thomas

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1 Mosser, all of whom were destroyed,
literally demolished by

2 your bombs? What of their wives and
children who forever will

3 be alone? What of all the rest of us?

4 Somehow all were forgotten in the
clamor for a plea

5 bargain that didn't even exist. In the
end, you took a plea

6 bargain. In the end you showed that you
would rather save

7 your own neck than even take the risk of
dying for ideas for

8 which you killed or attempted to kill, or
at least you said

9 you killed.

10 But we're beyond all of that now.
The truth is out.

11 You did everything you were accused of
and more, and you did

12 it in cold blood. Despite all of the
attempts to suppress the

13 evidence, even to the bitter end, the
story is out. And the

14 whole world knows just who and what
Theodore Kaczynski is.

15 So as I'm frequently asked when we
leave the courtroom

16 today, will justice have been served?
17 I do not really know how to answer
that questions --
18 that question. With crimes as egregious
as yours, carried out
19 as they were without any sense of remorse
or compassion, I'm
20 not sure that there can ever really be
true justice. And for
21 those who are dead and those whom they
leave behind, no
22 punishment can repair their losses.
23 I'm afraid, therefore, that we have
to settle for an
24 imperfect justice, one that will put a
stop to your reign of
25 terror, that will give you the rest of
your life to consider

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1 the evil of your actions, and that will
permit your victims to
2 go on with their lives as best they can.
3 Thank you.
4 MR. FRECCERO: Your Honor, Dr. David
Gelernter could not
5 attend today. He did ask if I would read
to the Court a
6 statement on his behalf.
7 THE COURT: Permission is granted.
8 MR. FRECCERO: The statement says:
9 "I'm grateful to the FBI and the
prosecutors and will
10 always remember them and be inspired by
their dedication.
11 They did their job, but we failed to do
ours, we, the American
12 people, and our legal system in this
court.
13 When an evil man destroys what is
priceless out of the
14 lowest, cheapest, ugliest motives, to get
attention, be
15 famous, be a star, and does it in the
most cowardly
16 conceivable way, the only decent response
is unqualified
17 revulsion.
18 We ought to have said your
cowardness and evil shame
19 every human being. We ought to have said
it right out with
20 absolute clarity, with no waffling and no
equivocation.
21 To make this unequivocal declaration, we
ought to have
22 condemned the murderer to death.

23 Imposing a death sentence isn't
easy. It never was.

24 And for us today it is especially
difficult. Murdering people

25 with bombs is easy, but doing the right
and decent thing is

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1 usually hard.

2 We ought to have done it anyway,
ought to have screwed

3 up our courage and resolution and done it
for the good of the

4 country and out of our duty to the three
murdered men.

5 We were called upon to speak up loud and
clear on the topic of

6 terrorists and murder, but we failed to do
it. We

7 took the easy way out.

8 But we've decided to let him live,
so let him be our

9 living symbol of cowardice and evil. He
gives us a chance to

10 look cowardice and evil in the face,
forces us to grasp what

11 is almost ungraspable, that a man exists
who has dedicated his

12 life to creating misery, who prides
himself on being in the

13 same line of work as plague and cancer,
creator of suffering,

14 of widows and orphans and pain and death.

15 Looking at him reminds us that
there is nothing easier

16 than creating misery. There is no trick
to it. Looking at

17 him reminds us that nothing is easier
than to injure or kill a

18 man if you are cowardly enough to hide
while you do it. He

19 reminds us that killing is cheap and
easy. It's no

20 achievement to create orphans, no big
deal to create widows.

21 They are easily created.

22 I hope we always remember the men
he murdered and the

23 misery he caused and the happiness he
took away. Evil will

24 always exist, but we ought to take this
occasion to reaffirm

25 that we will never accept it. We will
always fight it.

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1 I'm grateful to the man's brother
for his heroic

2 decency. I'm especially grateful to the
FBI and the

3 prosecutors for their devotion, integrity
and moral

4 seriousness, and for attempting to do what
was right. And I

5 hope we go on fighting this man and the
cowardice, misery and

6 evil he stands for. And God willing, that
we beat them

7 somehow in the end."

8 Your Honor, I would introduce Gary
Wright who was

9 injured in Salt Lake City in February of
1987.

10 MR. GARY WRIGHT: Your Honor,
People of the Court, and

11 Fellow Victims, good morning. It's good
to see you.

12 I have waited for over eleven years
for this moment. In

13 all that time I've wondered what I would
say, and I tried to

14 prepare myself for the barrage of
emotions that would overcome

15 me when I was finally able to look in the
eyes of the man who

16 tried to kill me, when at last I could
try to place some

17 closure on an event that so dramatically
changed my life and

18 the lives of the people I love.

19 My name is Gary Wright. I'm the
eleventh victim of the

20 Unabomber, who is now known as Theodore
Kaczynski.

21 As you look at me today, you do not
see the physical

22 wounds that were inflicted as a result of
razor sharp pieces

23 of metal and debris that were moving over
20 thousand feet per

24 second.

25 You do not see the trauma, the
nerve damage,

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1 lacerations, or physical restrictions that
were inflicted.

2 And unless you are recipient of one
of Mr. Kaczynski's

3 devices, you will never comprehend the
hardships of learning

4 to live with permanent physical impairment
and the emotional

5 pain associated with these types of
injuries.

6 The bomb that I picked up was a
carefully disguised
7 handmade weapon of death and destruction
that Mr. Kaczynski
8 personally placed at my business with a
single intent, to kill
9 whoever happened to be passing by with
enough curiosity to
10 stop and pick up an object that through
its very nature seemed
11 out of place.
12 The physical injuries that I
received were spread across
13 my entire body and are consistent with
what you would expect
14 to occur when a bomb explodes.
15 I required three separate surgeries
to try and
16 reconstruct nerves and to move tendons in
my left arm and
17 hand. I had extensive plastic surgery to
my face. And
18 hundreds of metal and wood fragments were
moved from areas
19 throughout my body. To this day, I still
remove pieces of
20 shrapnel that continue to rise from below
the surface of the
21 skin.
22 Some of the life-long side effects
caused by my injuries
23 are I have no feeling in the lower left
half of my left arm
24 and hand, and permanent nerve and muscle
damage prevents
25 lateral motion in my fingers.

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1 I cannot feel areas of my lower lip,
and I have an
2 extremely painful and constant condition
called thoracic
3 outlet syndrome, which is leakage of the
electrical impulses
4 from your nerves and the surrounding
muscle tissue.
5 For a moment I would like you to set
aside the physical
6 injuries and concentrate on an even
greater injustice, the
7 emotional and psychological damage that
was caused by the
8 terroristic actions of Mr. Kaczynski.
9 Imagine what it is like to
constantly wonder what would
10 make a person want to kill you; go to
work one day, bend down
11 to pick up a piece of debris, and
suddenly think you have been

12 shot; to look down at injuries that shock
you beyond belief

13 and wonder what has happened and why; to
continually search

14 your memory for any small indiscretion or
act that could

15 trigger this kind of anger; to be
overwhelmed with the

16 feelings of rage and the heartache of
knowing that you will

17 never again be the same as were you
before.

18 I lost my innocence to this man,
and I fight daily to

19 find the carefree happiness of a child
that was so unjustly

20 taken from me.

21 While I do have a faith, he stole
my ability to fully

22 trust the people around me, perhaps to
make me a little less

23 tolerant and a lot more cynical. When he
delivered his reign

24 of terror, Ted inserted his insolence and
unhappiness directly

25 into my life and the lives of the people
who are dearest to

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1 me.

2 Unless you have lived through an
incident of this type,

3 you have no idea of the stress that is
placed on a

4 relationship, any relationship, be that
brother to sister,

5 father to daughter, or above all, husband
and wife.

6 The injured person may be concerned
with the fact that

7 they have a little less pain today or that
a bodily part

8 functions a fraction better than last
week, while the loved

9 one is worried about whether they are safe
and wonders if this

10 can and will happen again.

11 Communication is severely tested as
the constant barrage

12 of the media and the necessity to work
with the appropriate

13 agencies begins to wear on you.

14 You can become lonely and short-
tempered because there

15 is no way any of us can ever truly
understand the very

16 different emotions that each person is
feeling. Years later

17 you may begin to realize that you have
lived distinctly

18 different experiences.

19 There are many types of victims
present in the courtroom

20 today. Webster's Dictionary defines a
victim as "Someone or

21 something killed, destroyed, sacrificed,
et cetera. One who

22 suffers some loss."

23 With this definition in mind, I
want you to realize that

24 there are countless people who are
directly and indirectly

25 affected by Ted's actions. Victims like
my wife and children,

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1 the children of Thomas Mosser, the dreams
of John Hauser,

2 David Gelernter and all the others. The
entire country, which

3 was held captive wondering when and where
he would strike

4 again.

5 And finally, there is another set of
victims, the people

6 who are so often forgotten or dismissed
altogether. These are

7 the family members of the accused. People
like the

8 Kaczynskis, who have endured a living
hell, and are no less

9 victims than the rest of us.

10 Realize Mr. Kaczynski has affected
hundreds of thousands

11 of people in one way or another, the most
directly affected by

12 his actions being the immediate families
of the victims who

13 received his deadly devices.

14 As for all of the victims in this
case, I hope and pray

15 that they will be able to find comfort
and continually seek

16 ways that will allow them to heal.

17 Ted, maybe you did accomplish
something. Through your

18 brutality you captured the attention of
an entire nation. You

19 spread fear and mayhem into the hearts of
innocent people for

20 a cause that only you understand. In any
terroristic act, how

21 do you effectively determine the extent
of the sacrifice that

22 is necessary in order to satisfy your
cause.

23 Was there going to be three people,
thirty people, 3000

24 people or more?

25 At what point would it have been to
put an exclamation

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1 point on the statement you were trying to
make?

2 Ted, I do not hate you. I learned
to forgive and heal a

3 long time ago. And it's because of this
ability that I have

4 found a way to go on and not become
kindling to your cause.

5 I would like to publicly thank David
Kaczynski, his wife

6 Linda, and his mother for their
extraordinary act of courage,

7 and for the way they presented and handled
themselves through

8 the entire length of this ordeal.

9 Without their honesty, integrity and
ability to do what

10 was right, Ted would still be in a
position to kill or maim

11 additional innocent victims. They have
been model citizens.

12 When you see them, shake their hand and
say thank you. My

13 prayers and the prayers of my family will
always be with

14 them.

15 Your Honor, I ask you to do what is
in accordance with

16 the law of this land to ensure that Mr.
Kaczynski will never

17 be in a position to do harm to himself or
others again, and

18 ensure that a message is sent to all who
desire to practice

19 terrorism or hate crimes in any form that
they will not be

20 tolerated.

21 Make sure that you set a precedence
that will provide

22 relief for the victims, all of the
victims, not just those of

23 us who have been physically injured, but
all who have been

24 unjustly wronged.

25 Thank you.

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1 MR. FRECCERO: Your Honor, William
Dennison of the

2 California Forestry Association, he was

the individual to whom

3 the bomb was addressed that killed Gil
Murray in April of

4 1995.

5 THE COURT: Okay.

6 MR. WILLIAM DENNISON:

7 Your Honor and People of the Court,
I would like to make

8 a short statement and then a combined
statement for CFA staff,

9 if I may, please?

10 THE COURT: Permission granted.

11 MR. WILLIAM DENNISON: I might add,
I've lost any

12 composure I thought I might have had
coming into this based on

13 what I heard from the witness just
previously, and I thank

14 you for what you said. I agree with
everything that you have

15 said.

16 At the same time, I have watched
you, Ted Kaczynski.

17 You're not remorseful. And for that I'm
sorry. I'm sorry for

18 you. And I'm sorry for the other victims
that you've shown no

19 remorse.

20 You deserve a greater punishment
than you are going to

21 be given. To be put into a ten foot by
twelve room without

22 visitors is no punishment for you. That
was your chosen

23 lifestyle. The greatest punishment that
you could have, and

24 that I would wish for you personally, is
to be put away and

25 never heard or seen again ever.

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1 This statement is made on behalf of
myself, William M.

2 Dennison, past President of California
Forestry Association

3 and the CFA, California Forestry
Association, staff who worked

4 for Gil Murray at the time of his death.

5 Your Honor, we appreciate the
opportunity to be before

6 the court today. Our presentation is not
intended to

7 influence the sentencing decision, but
rather to emphasize an

8 important part of the case that first
became evident in the

9 guilty plea.

10 We come before you as a means of
presenting our views

11 and concerns to the court and to others
who may be able to

12 assist in minimizing future terrorism
because we believe that

13 there is a tie between Kaczynski's last
two bombings and those

14 actions of existing eco-terrorists which
threaten families,

15 businesses, communities and even threaten
our nation.

16 We submit to you that although
Kaczynski's early actions

17 to maim and kill may have been attributed
to his

18 anti-technology philosophy, he ended his
era of terrorism as

19 an eco-terrorist by murdering Gil Murray
and Thomas Mosser.

20 Since April of 1995, when CFA
President, husband,

21 father, brother, and friend Gilbert
Murray was murdered, we

22 have been searching for answers to such
questions as why would

23 someone send a bomb to our office? Since
the package was

24 addressed to me, my questions were even
more personal. But

25 why would someone send a bomb into an
office where anyone or

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1 everyone could be killed?

2 Those who are surviving victims,
their families and the

3 families of those three who were killed by
Ted Kaczynski may

4 never know why we were the chosen target.
His diaries have

5 displayed Kaczynski's desire to kill a
scientist, to kill a

6 computer expert, a government official,
and to kill a business

7 big shot.

8 He had written in one of his
journals that "Revenge

9 attempts have been gobbling up much of my
time, impeding other

10 work." "But, I must succeed, I must get
revenge," he said.

11 He had to get revenge against someone.
He had to find someone

12 to blame for his belief that the
industrial revolution and its

13 consequences have been a disaster for the
human race. He

14 bemoaned the fact that science had
greatly increased the life

15 expectancy, that life had been rendered
"unfulfilling" and
16 that the result has been, and I quote,
"severe damage on the
17 natural world." This theme closely
parallels that of
18 eco-terrorists.
19 His solution was not to conduct a
political revolution
20 to overthrow the government, but the
total disruption of,
21 quote, "... the economic and
technological basis of the
22 present society." This is also the main
thrust of
23 eco-terrorism.
24 In his book, Eco-terrorism - The
Violent Agenda To Save
25 Nature, Ron Arnold states, and I quote,
"My point is always

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1 the same. This is not to blame radical
environmentalists as a
2 whole for the Unabomber. This is to show
that the apocalyptic
3 beliefs shared by the Unabomber and
radical environmentalists
4 can be used to justify desperate acts by
anyone -- the
5 preaching of hate for industrial
civilization is an incitement
6 to violence."
7 Ron Arnold goes on to say, and I
quote again, "This is
8 to declare that radical environmentalists
have a First
9 Amendment right to their extreme rhetoric,
no matter how
10 reprehensible, no matter who may use it
to kill or maim or
11 coerce or intimidate."
12 "But the public has a similar
right," he says, "to
13 scrutinize every word they say for its
influence on criminal
14 behavior." "And a right to prosecute
every desperate act that
15 flows from their extreme rhetoric and
apocalyptic beliefs."
16 We add today that law enforcement
agencies have the
17 obligation also to scrutinize every word
of these groups and
18 to prosecute every desperate act that
flows from their extreme
19 rhetoric as well.
20 I believe that my name on
Kaczynski's experimental bomb

21 Number 245 was symbolic. The bomb was
meant for anyone and
22 everyone who believes in free enterprise
and technological
23 progress.
24 Ted Kaczynski, thankfully, will be
locked up and away
25 for the rest of his years on this earth.
However, even though

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1 he may be totally responsible for the
bombs and killings,
2 there are reasons to believe he was
influenced by radical
3 environmental organizations. Kaczynski's
boasting to Earth
4 First of the maiming of individuals and
the killing of
5 Gil Murray is an example, and I quote what
he said to them:
6 "This is a message from FC. The FBI
calls us Unabom.
7 We are the people who recently
assassinated the president of
8 the California Forestry Association."
9 Prior to that, following the killing
of Thomas Mosser,
10 he wrote to Earth First again and said:
11 "As for the Mosser bombing . . .
our attention was
12 called to Burson-Marsteller by an article
that appeared in
13 Earth First."
14 It's now known that the evidence
found by the
15 government -- was found by the government
that Ted Kaczynski
16 attempted to communicate with radical
environmental groups to
17 use them in support of his murderous
activities. The
18 following evidence was presented by the
prosecution, and from
19 that I quote:
20 "Furthermore, during the search of
the defendant's
21 cabin, the government found a letter
written to Earth
22 First!ers. Its title was 'Suggestions
for Earth First!ers
23 from FC.'"
24 Brent Smith, Associate Professor of
Criminal Justice and
25 Sociology in the Department of Criminal
Justice at the

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1 University of Alabama states on page 27
and 129 in his 1994

2 book Terrorism In America, and I quote:

3 "Environmental extremism may become
common fixture in

4 American Terrorism during the next
decade." "Until law

5 enforcement agencies develop the necessary
information to

6 combat this type of terrorism,
environmental terrorists may

7 contribute a unique brand of violent
extremism well into the

8 21st century."

9 We know that Ted Kaczynski killed
three men and injured

10 23 others. I can tell you, Kaczynski,
that you maimed the

11 hearts and souls of many others. If that
was your intent, you

12 accomplished that. And again, I'm sorry
for you.

13 The capture of Ted Kaczynski was a
miracle that may not

14 have happened except for the publication
of Kaczynski's

15 manifesto and the subsequent intervention
of his brother. We

16 are thankful and appreciative to David
Kaczynski.

17 However, the FBI and this court
must not turn their

18 backs on the facts that still exist.
There are groups today

19 who still espouse the beliefs of Ted
Kaczynski.

20 As an example, David Barbarash and
Darren Thurston were

21 charged in March 1988 in Vancouver,
British Columbia, of 27

22 counts of mailing an explosive or object
with intent to do

23 bodily harm. While in an Edmonton jail
waiting a hearing on

24 an earlier conviction of vandalizing a
university animal

25 laboratory, Barbarash wrote articles for
the Earth First!

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1 Journal. In one he urged fellow eco-
terrorists, and I quote:

2 "Be tribal. Go for the jugular."

3 We don't know how many others like
Barbarash and

4 Thurston have adopted Kaczynski's views.
It's crucial,

5 though, that the public understand how
these views can lead to

6 crimes, such as those of Barbarash and
Thurston. Therefore,

7 we believe that it is essential that all
the materials found

8 in Kaczynski's cabin be made public.

9 We believe this is important, Your
Honor, that

10 understanding the connection between his
philosophy and his

11 activities may help many thousands of
others guard against

12 similar crimes that may be directed at
them.

13 Therefore, I respectfully urge the
court, Your Honor, to

14 open all the Kaczynski materials,
including the decoded

15 journals, to public scrutiny in the
expectation that valuable

16 public safety information may be obtained
and used to save

17 many lives. Academician analysts will
certainly be able to

18 draw a more accurate picture of the mind
of a killer and the

19 connections to eco-terrorism if the
original materials are in

20 their hands.

21 In closing, Your Honor, I again
wish to thank the court,

22 the prosecution, the FBI, for the part
each has played in

23 bringing closure to this case which has
had an ever lasting

24 impact on our lives and that of many,
many others.

25 There is an overriding need for
continued vigilance also

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1 against crimes committed by those other
than Ted Kaczynski,

2 and we thank you.

3 MR. FRECCERO: Your Honor, Nicklaus
Suino, who was

4 injured in November of 1985.

5 MR. NICKLAUS SUINO: Thank you for
this opportunity,

6 Your Honor.

7 THE COURT: You're welcome.

8 MR. NICKLAUS SUINO: My name is
Nicklaus Suino, and I

9 was in Ann Arbor, Michigan in 1985. I
opened a package that

10 was addressed to Dr. James McConnell.
Dr. McConnell passed

11 away a few years ago, otherwise I expect

he would be here.

12 Following up all these great people
is going to be

13 difficult, but I'm going to say a few
things about my own

14 injuries and then urge you to take a
course of action that may

15 be difficult.

16 Among the select group of people in
this room, those who

17 have opened explosives sent by Mr.
Kaczynski, I was relatively

18 lucky. Others have lost fingers, limbs
or even lives, while I

19 received only minor injuries.

20 On my left arm and my belly I was
cut in many small

21 places. I was bruised and burned. I
have since healed.

22 Because of the loud sound of the
explosion inside the

23 house, I lost my hearing almost totally
that day. I had some

24 degree of difficulty hearing for about
three months, with odd

25 sounds and vibrations in my ears from
time to time until my

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1 hearing returned to normal.

2 The single most unpleasant part of
the whole experience

3 for me was having my eyes washed out at
the hospital. I was

4 told that I had gun powder and paper
particles in my eyes, and

5 they needed to be cleaned out.

6 A nurse washed them out with saline.
The process

7 consisted of me lying on my back with my
head resting over the

8 edge of the hospital sink. A long plastic
tube ran down from

9 a bag of saline solution which was
suspended from a hook above

10 me.

11 The nurse held the eyelids of one
eye open with one hand

12 while she ran the saline down into my eye
with the other. And

13 an entire bag of saline was used in each
eye. That was one of

14 the most unpleasant experiences I have
ever experienced.

15 But my emotional injuries have
taken a little longer to

16 heal. Of course I developed a fear of
opening packages.

17 Strongest triggers of that fear were

packages that were

18 roughly the same size, shape and color as
the one from the

19 Unabomber. But any package made me
nervous.

20 I would never have opened a package
that was unexpected,

21 and even today, I won't open a package
unless I know who it is

22 from.

23 Loud noises and camera flashes
bothered me for a couple

24 of years after the incident, but that
reaction gradually

25 faded.

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1 I am probably no more shocked by
loud noises than I was

2 before opening Mr. Kaczynski's device.

3 The long-term effects of opening a
package bomb have

4 been noticeable. Believe me, I wouldn't
attempt to compare my

5 own situation with that of those victims
who were severely

6 injured. I know I'm much better off.

7 Still it was probably the first time
in my life I

8 realized I could die at any time. Of
course, I knew it

9 intellectually before that, but to really
feel it emotionally

10 at age 25 is quite a shock.

11 I'm less trusting now, especially
of strangers. My

12 opinion about people now is there are
some out there who

13 really aren't good people, who will hurt
you if they are given

14 the chance.

15 Maybe that's realistic, not
suspicious. But I didn't

16 come around to that view until I was
forced to by being one

17 victim of a terrorist attack.

18 Theodore John Kaczynski has
admitted on paper to being

19 the Unabomber. In his plea agreement
with the U.S.

20 Government, he admitted to each incident.
Some of his spots

21 and plans are contained in the settlement
documents. There is

22 no doubt in my mind that he's the man who
sent the package I

23 opened in 1985.

24 He will pay society for his crimes

by spending the rest

25 of his life in jail. Some people have
asked me if I hoped for

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1 the death penalty. My answer is this: If
there was ever a

2 model candidate for the death penalty, Mr.
Kaczynski is that

3 candidate. He committed multiple,
ruthless crimes. He showed

4 cowardice, cunning and disregard for human
life. I would have

5 shed not a single tear had he been
executed.

6 However, the most important goal for
me in seeing him

7 prosecuted was to ensure that he is unable
to send his

8 dangerous packages to anyone else. That
goal has been

9 accomplished.

10 I'm sure those who have lost a
loved one or lost

11 significant use of their bodies have
stronger feelings than I

12 do. For myself, considering this matter
from a personal

13 viewpoint, I don't wish him dead.

14 I'm not really sure if he
understands the nature and

15 gravity of his crimes, or relates them to
his punishment in

16 the way you or I would do. And
truthfully, wishing somebody

17 dead, however evil they may be, is not an
easy thing.

18 In fact, I feel sorry for him.
Imagine being as

19 isolated from the rest of the human race
as he is. What could

20 go so wrong it would make a person lash
out randomly sending

21 explosives to people he's never met.

22 How lonely he must have been then,
and how lonely he

23 must be now having no friends, living
with a hatred for

24 society so deep that he is driven to
kill.

25 Imagine being so despicable that
your own brother feels

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1 morally bound to turn you in to the
police. Imagine living in

2 the squalor this man lived in in his
little cabin in the
3 woods.
4 He has nobody and nothing now except
his writing, which
5 is fairly well tailored, but empty of any
real meaning, human
6 emotion or warmth.
7 He has actually become the very
thing he once seemed to
8 fear. Not a victim of progress, but an
empty machine, devoid
9 of conscience, like the specter of
scientific progress
10 itself.
11 Truly Mr. Kaczynski writes not
about us, not about the
12 world, but about himself. He must be in
a living hell already
13 so the fact that the justice system
didn't send him there
14 early bothers me not at all.
15 Finally, this is what I have to say
to my friends in
16 this room and everybody listening all
over the world.
17 I would like to say to you that
revenge is an illusion.
18 It's an empty feeling, a dark flame that
gross and consumes
19 you. And it can replace all that is good
and worthy within
20 you. When you finally hold it in your
hand, you hold nothing
21 but the sorrowful event that caused you
to be angry in the
22 first place. The time you lose chasing
your own anger can
23 never be replaced.
24 Please, don't let yourself become a
victim. Life is a
25 struggle. But in order to excel, in
order to go on, you have

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1 to do more than merely play the hand
you're dealt. You have
2 to strive to make the most out of every
day.
3 Put revenge behind you and embrace
the good richness of
4 life. When evil rears its head, immerse
yourself in the joy
5 of living. If you are a carpenter, build.
If you are a
6 fisherman, fish. If are you a parent,
raise your children.
7 Our role here is not to dwell on
evil, but to strive

8 toward becoming better people. The keys
to enlightenment are
9 found in every day living. Mastery of the
little things
10 brings knowledge, then wisdom, and then
finally joy.
11 There is no time for us to go on
hating Mr. Kaczynski.
12 Don't join him in that prison cell. Set
him down. Leave him
13 in there to live out his days in whatever
fashion he can.
14 You and I, we have more important
things to do. When we
15 leave here today, we can go out of here
and live.
16 Thank you.
17 Thank you, Your Honor.
18 THE COURT: You're welcome.
19 MR. FRECCERO: Your Honor, I
believe that is all --
20 those are all the individuals who had
expressed an intention
21 to address the court.
22 THE COURT: If there is another
victim of the offenses
23 present who wishes to make a statement or
otherwise address
24 the court, please indicate that by
raising your hand.
25 (Brief pause.)

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1 Let the record reflect there is no
response.
2 Is the question of sentencing
submitted for my
3 determination?
4 MR. DENVIR: Yes, Your Honor.
5 MR. FRECCERO: Yes, Your Honor.
6 THE COURT: It is the judgment of
the Court that the
7 defendant, Theodore John Kaczynski, shall
be imprisoned for
8 crimes he committed and which were charged
in Sacramento
9 Criminal Action Number S-96-259,
hereinafter referred to as
10 the Sacramento Action, and in New Jersey
Criminal Action, now
11 in this district, as Criminal Action
Number S-98-21,
12 hereinafter referred to as the New Jersey
Action.
13 The defendant is hereby committed
to the custody of the
14 Attorney General of the United States or
her authorized

15 representative for imprisonment on Count
One of the Sacramento

16 Action for a maximum prison term of life
under the provisions

17 of Title 18, United States Code Section
4205(a).

18 Further, pursuant to the Sentencing
Reform Act of 1984,

19 the defendant is also hereby committed to
the custody of the

20 Bureau of Prisons for the service of four
additional life

21 terms on Counts Eight and Nine of the
Sacramento Action and

22 Counts One and Two of the New Jersey
Action. These four life

23 sentences shall run concurrently with
each other and with the

24 life term imposed for Count One of the
Sacramento Action.

25 In addition, the defendant is
committed to four 20-year

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1 prison terms on Counts Two, Three, Five
and Six of the

2 Sacramento Action. These 20-year
sentences shall be served

3 concurrently with each other and with the
life sentences

4 imposed to this point.

5 Moreover, pursuant to Title 18,
United States Code

6 Section 924(c), the defendant is sentenced
to one 30-year

7 prison term on Count Four of the
Sacramento Action, which

8 shall be served consecutively to all
sentences previously

9 imposed. The defendant is additionally
sentenced to three

10 consecutive life prison terms on Counts
Seven and Ten of the

11 Sacramento Action, and Count Three of the
New Jersey Action.

12 Therefore, the defendant is
sentenced to a total term of

13 imprisonment for life, plus -- excuse me
-- plus 30 years to

14 run consecutively, and three life terms
to run consecutively

15 with all other sentences and with each
other.

16 The defendant shall pay a special
assessment of \$650. I

17 find the defendant is without the ability
to pay a fine in

18 addition to the restitution that will be
required, therefore

19 the requirement to pay a fine is waived.

20 Pursuant to Title 18, United States
Code Section 3681,
21 and in accordance with the Plea
Agreement, it is ordered that
22 the defendant shall forfeit all or any
part of proceeds
23 received or to be received by him, or a
transferee of his,
24 from a contract relating to a depiction
of his crimes in a
25 movie, book, newspaper, magazine, radio
or television

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1 production, or live entertainment of any
kind, of an
2 expression of his thoughts, opinions, or
emotions regarding
3 such crimes. The person with whom the
defendant may contract
4 shall pay to the Attorney General of the
United States any
5 proceeds due the defendant under such
contract.
6 Pursuant to the recommendation of
the Probation Office
7 on page 52 of the Guideline Presentence
Report, defendant is
8 hereby ordered to pay restitution owed to
the listed victims
9 in the amount of fifteen million and
twenty-six thousand
10 dollars.
11 A term of supervised release is not
ordered since the
12 sentence imposed will not allow for
release at any time.
13 Is there any further thing to cover
by any party before
14 I address your dispute on the
recommendations and I confine
15 the defendant?
16 MR. FRECCERO: None from the
government.
17 MS. CLARKE: Just one moment.
18 THE COURT: Okay.
19 (Brief pause while counsel confer
with Defendant
20 Kaczynski.)
21 MR. DENVIR: We have nothing
further at this point. You
22 had something you said you did want to
deal with at this
23 point.
24 THE COURT: When you say you have
nothing to cover at
25 this point, does that indicate that you
have something that

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1 you are waiting to tell me?
2 MR. DENVIR: I don't know if you --
We have already
3 indicated, Your Honor, we would like a
recommendation as to
4 placement. I believe that's covered in
the Presentence
5 Report. I didn't know if the Court was
going to deal with
6 that or not.
7 THE COURT: I am going to deal with
that.
8 Do you want to be heard on that, or
is that question
9 submitted?
10 MR. DENVIR: We'll submit it, Your
Honor.
11 The reason for placement would be
so that there would be
12 some access for Mr. Kaczynski to see
people he knows and
13 people who worked on this case. So we're
asking for those
14 placements.
15 Submit it on that.
16 MR. FRECCERO: Government would
submit it, Your Honor.
17 THE COURT: All right. And I
assume that once I resolve
18 the question as to where he will be
placed and the other
19 dispute concerning the recommendations
you have asked me to
20 make to the Bureau of Prisons, that there
is nothing further
21 to cover and I can end the proceeding; is
that correct?
22 MR. DENVIR: Your Honor, my
understanding, the only
23 matter open was the question of the
recommendation as to
24 placement. I didn't know there was
another recommendation
25 that was before you.

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1 THE COURT: The government's
sentencing memorandum
2 actually has a two-fold type of a
recommendation, at least I
3 read it as a two-fold type recommendation.
4 They asked that I recommend that the
defendant be placed

5 -- Perhaps the government should state it
because I don't have

6 my note on that precise recommendation.

7 MR. FRECCERO: Yes, Your Honor.

8 We are requesting that the Court
make a recommendation

9 to the Bureau of Prisons that Mr.
Kaczynski be incarcerated in

10 a maximum-security facility so that he
can be closely

11 monitored during the term of his
imprisonment.

12 THE COURT: That's the
recommendation I assumed was a

13 two-fold type of a recommendation, or
it's actually two

14 recommendations in one.

15 Does he have to only be placed in
such a facility to

16 have his activity monitored. The
monitoring activity, I

17 thought, could occur in any federal
institution.

18 MR. FRECCERO: Your Honor, the
government -- the

19 government is not asking this Court to
make any

20 recommendations concerning the monitoring
of communications.

21 It is our understanding that the
BOP will accept any

22 communication directly from the United
States, and we intend

23 to do that, to ask that his
communications be monitored

24 consistent with Federal Guidelines, with
the CFR's on that.

25 THE COURT: All right.

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1 I typically make recommendations in
criminal cases when

2 there is no dispute, when I think my
recommendation will be

3 helpful to the Bureau of Prisons so far as
its placement and

4 determination is concerned.

5 Here there is a dispute, and I
question whether my

6 recommendation could be of assistance to
the Bureau of

7 Prisons. I know that pursuant to the
parties stipulation,

8 which may not be public at this point, but
soon will be, that

9 the parties agreed that probation could
release the

10 Presentence Report to the Bureau of
Prisons sometime around

11 April 17, 1998. And I assume that the
stipulation was reached

12 in order to allow the Bureau of Prisons
time to expedite the

13 placement process.

14 If I make a recommendation, then it
seems to me that

15 it's possible that the placement process
could be delayed

16 while the Bureau of Prisons considers my
recommendation under

17 Federal Law, specifically Title 18,
United States Code Section

18 3621(b)(4)(B).

19 Further, in light of the Bureau of
Prisons' expertise on

20 prison affairs, the amount of time it has
had to analyze the

21 placement issue, and the fact that the
Bureau of Prisons has

22 unique access to information from the
psychiatrist who

23 performed the competence examination in
this case, I think it

24 has received or has available special
insight to guide its

25 placement decision in this case.

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1 For all of these reasons, I decline
to make a placement

2 recommendation. I think it's unnecessary.

3 However, Title 18, United States
Code Section

4 3621(b)(4)(A) reveals that when the Bureau
of Prisons has

5 determined a suitable placement, it still
considers -- I'm now

6 quoting from the section -- "any statement
by the court that

7 imposed sentence concerning the purposes
for which the

8 sentence to prison was determined."

9 In light of that statutory provision
and in the event

10 such a statement could assist the Bureau
of Prisons in

11 discharging its oversight functions and
placement decision it

12 may have already made, I make the
following statement:

13 Many victims and their family
members suffered

14 overwhelming losses at the hands of the
defendant's bombing

15 activities. The defendant committed
unspeakable and monstrous

16 crimes for which he shows utterly no
remorse. Therefore, I

17 believe if he had the opportunity, he
would use his
18 resourcefulness to repeat such acts.
His crimes were vicious
19 acts of terrorism that wreaked havoc and
brought grief into
20 the lives of many innocent people,
tragically ending the lives
21 of three and permanently scarring the
lives of many others.
22 Because of the callous nature of his
crimes, the defendant
23 presents a grave danger to society and
should be incarcerated
24 in a prison facility where he can be
closely monitored to
25 prevent any future acts of violence or
intimidation.

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1 Undoubtedly, he deserves the life sentence
imposed.
2 Therefore, the defendant is remanded
to the custody of
3 the United States Marshal for the purpose
of his ultimate
4 delivery to the Bureau of Prisons, the
entity that will decide
5 where he shall serve the sentence imposed.

6 The matter is adjourned.
7 (Off the record at 10:30 a.m.)
8 ---o0o---

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COURT THE UNITED STATES DISTRICT
CALIFORNIA THE EASTERN DISTRICT OF

-- oOo --

BEFORE THE HONORABLE GARLAND E.
BURRELL, JR., JUDGE

-- oOo --

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) No. Cr.
S-96-259 GEB)
THEODORE JOHN KACZYNSKI,)
)
Defendant.)
_____)

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REPORTER'S TRANSCRIPT
RE: SENTENCING
MONDAY, MAY 4TH, 1998

-- oOo --

Reported by: CATHERINE E.F. BODENE, CSR
No. 6926

A P P E A R A N C E S
---o0o---

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